United States Department of Labor Employees' Compensation Appeals Board

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G.B., Appellant)	
and)	Docket No. 20-1530 Issued: April 8, 2021
DEPARTMENT OF STATE, BUREAU OF)	• /
CONFLICT STABILIZATION OPERATIONS,)	
Rosslyn, VA, Employer)	
)	
Appearances:		Case Submitted on the Record
Michael N. Lau, Esq., for the appellant ¹		

ORDER DISMISSING APPEAL

Before: ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge PATRICIA H. FITZGERALD, Alternate Judge

On August 6, 2020 appellant, through counsel, filed an appeal from a January 21, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP) issued under OWCP File No. xxxxxx751. The Clerk of the Appellate Boards assigned Docket No. 20-1530.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act (FECA).² For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's

Office of Solicitor, for the Director

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a).

review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.³

Appellant, through counsel, appealed OWCP's January 21, 2020 merit decision, which finalized an overpayment of compensation. The 180th day following the January 21, 2020 decision was July 19, 2020. As this fell on a Sunday, appellant had until the next business day, Monday, July 20, 2020, to file the appeal.⁴ As appellant did not file an appeal with the Board until August 8, 2020, more than 180 days after the January 21, 2020 OWCP decision, the Board finds that the appeal docketed as No. 20-1530 is untimely. The Board is without jurisdiction to review the appeal.

Appellant has not offered a reason to explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."⁵

³ *Id.* at §§ 501.3(e). Under 20 C.F.R. § 501.3(e), the Board maintains discretion to extend the time period of filing an appeal if an applicant demonstrates compelling circumstances. No compelling circumstances are alleged or established in this case.

⁴ 20 C.F.R. § 501.3(f)(2). See also John B. Montoya, 43 ECAB 1148 (1992).

⁵ *Id.* at § 501.6(d).

IT IS HEREBY ORDERED THAT the appeal docketed as No. 20-1530 is dismissed.

Issued: April 8, 2021 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board